



Economic Impact Analysis Virginia Department of Planning and Budget

12 VAC 35-115 – Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services

Department of Behavioral Health and Developmental Services

April 14, 2010

Summary of the Proposed Amendments to Regulation

Pursuant to Chapters 813 and 111 of the 2009 Virginia Acts of the Assembly respectively, the State Board of Behavioral Health and Developmental Services (Board) proposes to amend these regulations to 1) reflect the change in name of the agency from the Department of Mental Health, Mental Retardation and Substance Abuse Services to the Department of Behavioral Health and Developmental Services (Department), and 2) clarify that each person admitted to a hospital, training center, other facility, or program operated, funded, or licensed by the Department “be afforded the opportunity to have an individual of his choice notified of his general condition, location, and transfer to another facility.”

Result of Analysis

The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact

The change in name of the agency and the express right of each person admitted to a hospital, training center, other facility, or program operated, funded, or licensed by the Department to “be afforded the opportunity to have an individual of his choice notified of his general condition, location, and transfer to another facility” both were added to the Code of Virginia as part of the 2009 Virginia Acts of the Assembly. The Board’s proposed amendments to these regulations merely reflect these additions to the Code and do not produce any additional requirements. Thus, the proposed amendments produce a net benefit in that there is no associated cost and the clarification they provide may reduce confusion.

Businesses and Entities Affected

The proposed amendments potentially affect the 612 providers of services licensed by the Department, individuals receiving services at these facilities, and other individuals these service recipients may wish to contact.

Localities Particularly Affected

The proposed amendments do not disproportionately affect particular localities.

Projected Impact on Employment

The proposal amendments are unlikely to significantly affect employment.

Effects on the Use and Value of Private Property

The proposed amendments are unlikely to significantly affect the use and value of private property.

Small Businesses: Costs and Other Effects

The proposed amendments are unlikely to significantly affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact

The proposed amendments are unlikely to significantly affect small businesses.

Real Estate Development Costs

The proposed amendments are unlikely to significantly affect real estate development costs.

Legal Mandate

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.04 of the Administrative Process Act and Executive Order Number 107 (09). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed

regulation has adverse effect on small businesses, Section 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.